

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-20 are pending. Claims 1-4, 6, 8, 9, 12-14, 17, 18, and 20 are amended. Claims 1, 2, and 20 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact, that as argued below, at least the subject matter of independent claim 1 as currently written is not taught by the combination of newly cited references mentioned by the Examiner. Thus, the Applicants respectfully submit that the Examiner has erred in his rejection of at least independent claim 1. Independent claim 1 is in condition for allowance.

By this Amendment, each of independent claims 2 and 20 is amended merely to include the allowable subject matter of independent claim 1 as currently written. Thus, the Applicants submit that each of independent claims 2 and 20 is also in condition for allowance. All dependent claims are allowable at least for being dependent from allowable independent claims.

All of the subject matter set forth in each of independent claims 1, 2, and 20, and the dependent claims has been previously considered and examined by the Examiner. No subject matter whatsoever has been added to any pending claim that would raise new issues

requiring a further search by the Examiner. Thus consideration of this Amendment by the Examiner is warranted, and is hereby requested.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

Drawings

The Examiner has not indicated whether or not the drawings have been accepted. Clarification is respectfully requested in the next official communications.

Rejection Under 35 U.S.C. §103(a)

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikami (U.S. 7,096,0180) in view of Potalla et al. (U.S. 5,881,370).

This rejections is respectfully traversed.

Arguments Regarding Independent Claims 1, 2, and 20

First of all, non-narrowing amendment have been made to independent claim 1, merely to place it in better form.

Other than the non-narrowing amendments to independent claim 1, independent claim 1 as currently written recites a combination of elements not taught or suggested by the references cited by the Examiner. Specifically, independent claim 1 as currently written includes:

a second switch,

wherein after the first and second group modes have been registered, the second switch being adapted to enable switching of communication from the first group to the second group with a single operation of the second switch.

In addition, each of independent claims 2 and 20 have been amended herein merely to include the features above that are contained in independent claim 1 as currently written.

Support for the features above can be seen, for example, in paragraph [0038] of the specification as originally filed.

With novel features set forth in each of independent claims 1, 2, and 20, since a second group to be selected as communication partners can be included when a partner in the first group turns on the second switch with a single operation, the partner in the first group can simply perform the switching operation ... even during running of a motorcycle.

The Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1, 2, and 20 is not disclosed or made obvious by the prior art of record, including Mikami and Potalla et al.

First of all, the Examiner concedes that Mikami fails to teach or suggest a switch being adapted to enable switching of communication from the first group to the second group with a single operation of the switch.

The Examiner then relies of Potalla et al., alleging that multimode talk switch (154) makes up for the deficiency of Mikami.

However, the Potalla et al. document is silent about "*the switch being adapted to*

enable switching of communication from the first group to the second group with a single operation of the second switch”, as set forth in each of independent claims 1, 2, and 20. The Applicants respectfully disagree with the Examiner’s conclusions

For example, according to Potalla et al. column 2, lines 53-57, to disable duplex communication, switch (154) must be pressed momentarily. Thereafter, to commence simplex communication, switch (154) must then be pressed continuously. Thus, the Potalla et al. device requires a two-step operation to switch from duplex mode to simplex mode.

In a similar manner, according to Potalla et al. column 2, lines 49-53, simplex communication is enabled by continuously pressing on switch (154). Presumably releasing switch (154) stops simplex communication. Thereafter, to commence duplex communication, switch (154) must be momentarily engaged and released. Thus, for the Potalla et al. device to switch from simplex mode to duplex mode, at least two steps are required.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1, 2, and 20 is not disclosed or made obvious by the prior art of record, including Mikami and Pottala et al. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Independent claims 1, 2, and 20 are in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

*Application No. 09/955,198
Amendment dated December 22, 2006
Reply to Office Action of September 25, 2006*

*Docket No. 0505-0870P
Art Unit: 2618
Page 14 of 15*

Dependent Claims

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

All pending claims are now in condition for allowance.

*Application No. 09/955,198
Amendment dated December 22, 2006
Reply to Office Action of September 25, 2006*

*Docket No. 0505-0870P
Art Unit: 2618
Page 15 of 15*

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

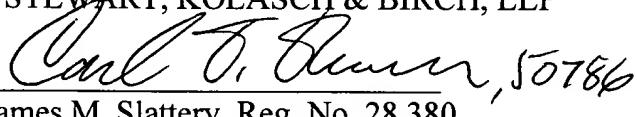
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Carl T. Thomsen, 50786
For James M. Slattery, Reg. No. 28,380
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JMS:CTT/ktp 